



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/584,865

05/04/2007

Anders Andersson

4660-10

7775

23117

7590

03/18/2009

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

BEYEN, ZEWDU A

ART UNIT

PAPER NUMBER

2419

MAIL DATE

DELIVERY MODE

03/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/584,865	Applicant(s) ANDERSSON, ANDERS	
	Examiner ZEWDU BEYEN	Art Unit 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/28/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/28/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-26, have been examined and are pending.

Information Disclosure Statement

2. An initialed and dated copy of applicant's IDS form 1449 submitted 06/28/2006, is attached to the instant office action.

Claim Objections

Claim 9 recites the phrase "an user-device". The phrase should be spelled as "a user-device". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,3,6-11,15-16,20,22,and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 6, claim 1 recites the phrase "a user-device. It is not clear whether "a user-device" is the same device that is cited in claim 1, line 3, or other device.

In line 7, claim 15 recites the phrase "a user-register". It is not clear whether "a user-register" is the same user-register that is cited in claim 15, line 4, or other user-register.

Claims 9-11 recites the phrase "a user-device. It is not clear whether "a user-device" is the same device that is cited in claim 1, or other device.

Claims 3 and 7 recite the phrase "a user-register". It is not clear whether "a user-register" is the same user-register that is cited in claim 1, or other user-register.

Clams 6 and 7-8 recite the phrase “a priority-table”. It is not clear whether “a priority-table” is the same priority-table that is cited in claim 1, or other priority-table.

Claim 16 recites the phrase “a user-device. It is not clear whether “a user-device” is the same device that is cited in claim 15, or other device.

Clams 20, 22, and 26 recite the phrase “a priority-table”. It is not clear whether “a priority-table” is the same priority-table that is cited in claim 15, or other priority-table.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 11, 13, 15-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Boland to **EP1045604A2**.

Regarding claims 1, and 15, Boland teaches a method for providing a certain quality of service to a user-device in a mobile telecommunication system (**see, abstract**), providing at least one user-register (**i.e. data that is coming from subscriber**) linked to a user-device (**abstract discloses providing service to subscribers. Further more, par [0012] discloses home location register that stores data information for subscriber**)

Art Unit: 2419

providing at least one priority-table associated with an area covered by the telecommunication system (**abstract discloses diving a wireless communication cell sites into a plurality of service priority groupings**) ,

comparing a user-register with a priority-table(**par ,[0012] discloses defining a priority data for wireless subscribers in the Home Location Register. Thus, data that is send out from the subscriber is associated with a priority information**) when a user-device linked to said user register enters the area associated with said priority-table (**par, [0011] discloses proving guaranteed communication service to priority wireless communication subscribers, furthermore, abstract discloses wireless subscribers who have been assigned a predetermined service priority are provided with access to reserved wireless communication**), providing the user-device with a quality of service, depending on a possible correspondence between said user-register and said priority-table(**abstract discloses proving guaranteed communication service to priority wireless communication subscribers, and wireless subscribers who have been assigned a predetermined service priority are provided with access to reserved wireless communication**)

Regarding claims 2, and 16, Boland teaches linking a user-register to a user subscription within the telecommunication system, which subscription in turn is linked to a user-device (**par [0012] discloses home location register that stores data for subscriber with a priority information. Thus, data that is send out from the subscriber is associated with a priority information and other subscriber information**)

Regarding claims 3, and 17, Boland teaches distributing a user-register to a user-device, (**par**

Art Unit: 2419

[0012] discloses home location register that stores data for subscriber with a priority information)

predefining a user-register in a user-device **(abstract discloses predetermined service priority).**

Regarding claims 4, and 18, Boland teaches providing a priority-table with an area-identifier (abstract discloses diving a wireless communication cell sites into a plurality of service priority groupings)

Regarding claims 5, and 19, Boland teaches a Cell Identity (CI) (abstract discloses diving a wireless communication cell sites into a plurality of service priority groupings, inherently there should be a cell ID so that each cells can be identified easily).

Regarding claims 6, and 20, Boland teaches distributing a priority-table to a user-device (abstract discloses diving a wireless communication cell sites into a plurality of service priority groupings)

predefining a priority-table in a user-device **(par ,[0012] discloses defining a priority data for wireless subscribers in the Home Location Register)**, an access-point, an access point controller within the telecommunication system **(abstract discloses diving a wireless communication cell sites into a plurality of service priority groupings).**

Regarding claims 7, and 21, Boland teaches defining one or several priority-groups in a user-register (par, [0012] discloses defining a priority data for wireless subscribers in the Home Location Register),

defining one or several priority-levels in a priority-table **(abstract discloses diving a wireless**

Art Unit: 2419

communication cell sites into a plurality of service priority groupings).

assigning at least one priority-group to at least one priority-level in a priority-table(**abstract discloses dividing a wireless communication cell sites into a plurality of service priority groupings, and provide guaranteed communication service to priority wireless communication subscribers).**

Regarding claims 8, and 22, Boland teaches providing a user-device with a quality of service, depending on a possible correspondence between priority-groups defined in a user-register and priority-groups associated with the priority-levels in a priority-table **abstract discloses proving guaranteed communication service to priority wireless communication subscribers, and wireless subscribers who have been assigned a predetermined service priority are provided with access to reserved wireless communication).**

Regarding claims 9, and 23, Boland teaches comparison is performed within the core network of a telecommunication system (**abstract discloses proving guaranteed communication service to priority wireless communication subscribers, and wireless subscribers who have been assigned a predetermined service priority are provided with access to reserved wireless communication).**

Regarding claims 10, and 24, Boland teaches comprising the further step of providing a user-device with a quality of service, depending on a possible correspondence between a user-register and a priority-table, as a response to an inquiry from the user-device to the telecommunication network(**abstract discloses proving guaranteed communication service to priority wireless**

communication subscribers, and wireless subscribers who have been assigned a predetermined service priority are provided with access to reserved wireless communication. Further more, abstract discloses denying access).

Regarding claims 11, and 25, Boland teaches providing a user-device with a quality of service that is determined by the user-device itself (par,[0012] discloses defining a priority data for wireless subscribers in the Home Location Register), depending on a possible correspondence between a user- register and a priority-table (abstract discloses proving guaranteed communication service to priority wireless communication subscribers, and wireless subscribers who have been assigned a predetermined service priority are provided with access to reserved wireless communication. Further more, abstract discloses denying access).

Regarding claim 13, Boland teaches altering the quality of service in a certain area by amending an existing user-register (abstract discloses denying access to wireless communication subscribers when they attempt to initiate a wireless call connection in the impacted call coverage area).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2419

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 12, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boland in view of Artamo to **(US-PG-PUB2004/0053606)**.

Regarding claims 12, and 26, Boland does not teach a user-device refraining from attempt to establish a communication channel with the telecommunication system

However, Artamo teaches a user-device refraining from attempt to establish a communication channel with a telecommunication system **([0016] discloses responsive to the availability of a plurality of cell types for a user, the user may be connected in the one of the plurality of cells having the highest associated priority based on the service type of the user. Thus, having the option to choice to connect to a cell having the highest associated priority based on the service type of the user, is refraining from connecting to other cells that have the lowest associated priority based on the service type of the user).**

Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to enable the system of Boland user-device refraining from attempt to establish a communication channel with said telecommunication system, as suggested by

Art Unit: 2419

Artamo. This modification would benefit the system of Boland to enable the user devices to connect with only communication channels that provide the highest quality of service.

Claim 14, is rejected under 35 U.S.C. 103(a) as being unpatentable over Boland in view of Le to **(US-PG-PUB20070097941)**.

Regarding claim 14, Boland does not teach altering the quality of service in a certain area by amending an existing priority-table

However, Le teaches altering the quality of service in a certain area by amending an existing priority-table **(Le, fig.3, and [0024] disclose a prioritizer 130 records the upload activity of a wireless device 105 during the priority allocated transmission slots and change that device's priority accordingly. The prioritizer records the activity of wireless device 105A over transmission slots and adjusts the priority of device 105A to reflect its uploading activity during those time periods. Thus, adjusting the priority of the device results adjusting the priority table of the network so that the device receives an appropriate quality of service)**

Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to enable the system of Boland by altering the quality of service in a certain area by amending an existing priority-table, as suggested by Le. This modification would benefit the system of Boland to provide users with a larger service coverage area with better quality of services.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ZEWDU BEYEN whose telephone number is (571)270-7157. The examiner can normally be reached on Monday thru Friday, 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 1-571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Z. B./

Examiner, Art Unit 2419

/Hassan Kizou/

Supervisory Patent Examiner, Art Unit 2419